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Jessica Pallach

10 **IN THE PATENT COOPERATION TREATY**
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

15 **Applicant: America Online Incorporated**

20 **International Application No. PCT/US03/39525**

International Filing Date: 11 December 2003

25 **Title: APPARATUS AND METHOD FOR SKIPPING SONGS WITHOUT DELAY**
20 **Attorney Docket No. AOL0111P**

30 **International Bureau of WIPO**
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1211 Geneva 20, Switzerland

AMENDMENT UNDER PCT ARTICLE 19

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In response to the International Search Report in the above-named Application, mailed on 6 December 2004, Applicant provides herewith the following remarks.

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REMARKS

- 45 **Applicant respectfully submits that Berman and Zainoulline, taken alone or in combination, fail to teach, suggest, or render obvious the present invention as claimed.**
- 45 **Independent Claims 1, 6, and 16 recite an apparatus, method, and/or program storage medium comprising, *inter alia*, a buffer within a second memory, which pre-caches consecutively downloaded small portions of songs forming a sequence of songs to be played.**